

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles P. Kocoras	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1637	DATE	June 11, 2008
CASE TITLE	Anthony Wheeler (A-81100) v. Walker, et al.		

DOCKET ENTRY TEXT:

Plaintiff's Motion for Deposition Before Action or Pending Appeal [21] is denied for lack of jurisdiction.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff, Anthony Wheeler, an inmate at the Pinckneyville Correctional Center, brought a *pro se* complaint pursuant to 42 U.S.C. §1983. On March 26, 2008, the complaint was dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim. On April 14, 2008, Plaintiff filed an appeal in the Seventh Circuit Court of Appeals; that appeal remains pending. Plaintiff now seeks leave from this Court to depose a previous cell mate. Plaintiff's Motion for Deposition Before Action or Pending Appeal is denied for lack of jurisdiction. *See May v. Sheahan*, 226 F.3d 876, 879 (7th Cir. 2000). Plaintiff must file his motion with the Clerk of United States Court of Appeals for the Seventh Circuit.


Charles P. Kocoras
U.S. District Judge

JJD